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7

8 IN THE UNITED STATES DISTRICT COURT FOR THE  
9 EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA, ) 2:05-CV-0149 JAM/KJM  
12 Plaintiff, ) ORDER LIFTING STAY; UNSEALING  
13 v. ) ANSWER; AND PROTECTIVE ORDER  
14 )  
15 APPROXIMATELY \$1,200,000 IN ) Date: April 7, 2010  
16 U.S. CURRENCY SEIZED FROM ) Time: 9:30 a.m.  
17 FIRST CALIFORNIA BANK ACCT. ) Courtroom: 6  
18 NO. 2005638, )  
19 )  
20 APPROXIMATELY \$225,958.84 IN )  
21 U.S. CURRENCY SEIZED FROM )  
22 BANK OF AMERICA ACCT. NO. )  
23 004653665607, )  
24 )  
25 APPROXIMATELY \$177,695.11 IN )  
26 FUNDS CONNECTED TO A TRANSFER )  
27 TO THE UNITED STATES OF )  
28 AMERICA FROM BULLIVANT Houser )  
BAILEY, )  
Defendants. )

The Court finds as follows:

1. Claimant John Hollis claims to be the owner or trustee  
of funds seized from the three bank accounts identified in the

1 caption above.

2       2. Discovery was stayed in this case during an  
3 investigation of insurance fraud involving Tri-Continental  
4 Insurance Company and Robert Brown aka Matthew Schacter.

5       3. The United States Attorney for the Eastern District of  
6 California has advised claimant John Hollis that he has no  
7 present intention of prosecuting claimant John Hollis based on  
8 the events giving rise to that investigation.

9       4. The United States has requested that the stay be lifted  
10 so that discovery can resume.

11       5. In order to permit discovery to proceed in this case  
12 while protecting claimant's interests, the Court finds that a  
13 protective order will adequately protects claimant's rights.

14       ACCORDINGLY, IT IS ORDERED THAT:

15       1. The stay previously entered in this case is lifted.  
16       2. The Clerk of the Court shall unseal the Answers filed by  
17 claimant at docket entries 76 and 78.

18       3. No testimony or documents John Hollis produces in this  
19 civil forfeiture action, whether by way of discovery responses,  
20 deposition testimony, or trial testimony, shall be used by  
21 federal, state, or local authorities in connection with any  
22 criminal prosecution other than as set forth in Paragraph 8  
23 below.

24       4. Except as provided in Paragraph 8, Plaintiff shall not  
25 provide discovery documents, discovery responses, or deposition  
26 or trial testimony to any federal, state, or local prosecutor for  
27 use in a criminal prosecution, and agrees that this material  
28 shall be used only for the purposes of the prosecution, defense,

1 or settlement of this action, and for no other purpose.

2       5. The material produced in discovery may be reviewed by  
3 paralegal or secretarial staff in the U.S. Attorney's Office or  
4 by law enforcement agents (federal, state, or local) solely for  
5 purposes of the prosecution, defense, or settlement of this civil  
6 forfeiture action, and for no other purpose.

7       6. Federal, state, and local law enforcement officers may  
8 attend claimants' depositions and the deposition of any witness.

9       7. Plaintiff is permitted, without further order of this  
10 court, to file claimants' discovery responses or deposition  
11 testimony in court as exhibits to a motion such as a motion for  
12 summary judgment or motion to compel discovery, provided however  
13 that plaintiff will request that said filings be sealed.

14       8. Plaintiff is permitted to use any testimony or  
15 documents produced in this civil forfeiture action in any  
16 subsequent prosecution for perjury or false statement.

17       9. This order shall survive the final disposition of this  
18 case, and the Court shall retain jurisdiction to resolve any  
19 dispute concerning the use of information produced hereunder.

20  
21 IT IS SO ORDERED.

22 Dated: March 30, 2010

/s/ John A. Mendez

23 JOHN A. MENDEZ

United States District Judge